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STRICTURES
ON
THE RECENT DECISIONS
OF THE
JUDICIAL COMMITTEE
OF
THE PRIVY COUNCIL.

" And here is to be noted, that such Ornaments of the Church and of the Ministers thereof
" at all times of their ministration, shall be retained and be in use as were in this Church of
" England by the Authority of Parliament, in the second year of the Reign of King Edward the
" Sixth."—*Ornaments Rubric.*

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v. PURCHAS.

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STRICTURES

ON

THE RECENT DECISIONS OF THE JUDICIAL COMMITTEE

OF

THE PRIVY COUNCIL.*

I. The Court of Appeal in its condemnation of many Usages unquestionably Primitive and Catholic, as things forbidden under penalties, has contravened a *fundamental principle* of the Church of England; whereby, - in the eyes of those external to her communion, the character of the Church of England for truthfulness must needs be seriously impaired, and her very claim to identity with the Primitive and Catholic Church questioned. Appendix
A.

E.g. :—

The 30th Canon of A.D. 1603 says :—“ So far was it from the
“ purpose of the Church of England to forsake and reject the
“ Churches of Italy, France, Spain, Germany, or any such like
“ Churches, in all things which they held or practised, that, as
“ the ‘ Apology of the Church of England ’ confesseth, it doth
“ with *reverence retain* those ceremonies which do neither en-
“ damage the Church of God, nor offend the minds of sober
“ men ; and ONLY DEPARTED from them in those parti-
“ cular points wherein they were fallen both from themselves
“ in their ancient integrity, and from the Apostolical Churches,
“ which were their first founders.”

* These criticisms are confined simply to a consideration of some of the legal and historical difficulties of the judgment.

'To take one example—The Court has forbidden the Mixed Chalice, of which it is observed in the Judgment itself, that its use is of “great antiquity and has prevailed both in East and “West.”

Appendix B. **II.** A construction has been put by the Court of Appeal in *Hebbert v. Purchas* upon the plain words of the Rubric on the “*Ornaments of the Church and the Ministers thereof*” which is a violation of its literal and grammatical sense and contradictory of the established facts of history. The “Second year” of King Edward the Sixth, when the Eucharistic Vestments were enjoined, cannot be interpreted as laying down the same rule as the *Sixth year* of King Edward the Sixth, when they were abolished;* neither can the words “authority of “Parliament” be interpreted as equivalent to the Advertisements of an Archbishop or the Canons of a Convocation. We cannot conceive the possibility of the Statute naming a date when the chasuble, &c., were worn by the Clergy in the celebration of the Holy Eucharist if it intended to refer to a subsequent period, when those Vestments were expressly forbidden and a “surplice only” was substituted in their place. The Revisers of the Liturgy had the free choice open to them of the practice of any period between A.D. 1548 and A.D. 1661, and they advisedly, in the face of a strong opposition, adopted the period named.

Appendix C. and p. 10 Note. **III.** The Court urges that the *non-user* of the chasuble during 180 years is conclusive of its illegality, because we must otherwise assume a systematic breach of the law not only on the part of “all those who had declared their unfeigned assent “and consent to all and everything contained in the Book of “Common Prayer,” but on the part of “the framers of the “rubrics themselves” also.

* *i.e.*, for the short period of seven years, from A.D. 1552 to A.D. 1559.

Without dwelling on the obvious fact that this line of argument would make the revival of Daily Service illegal in parish churches, it is enough to point out that the Court declares the cope to be a legal Vestment for use in cathedrals, albeit its *non-user* has been very nearly as continuous and universal as that of the vestments now condemned.

It does not seem to have occurred to the Court that the same argument of *non-user* which is employed for the prohibition of Ornaments of the Minister would also prohibit Ornaments of the Church : *e.g.*, the Altar-cloths varied according to the seasons of the Church, which were declared legal by the Court in *Liddell v. Westerton*, though they are not prescribed.

Further, the Court professes to find proof of *dis-use*, that is, lawful abolition, of the Vestments, in the fact of their destruction. This would prove too much. For the Edwardine Commissioners made away with even the patens, chalices, and surplices in places where there was little or no opposition, and left the chasubles, crosses, and censers where the congregation was strong enough to resist, thus showing that mere rapine, and not legality, was their guide. And the Elizabethan Commissioners in 1566, partially following the same principles, frequently left copes in parish churches, whereas the Court alleges that the Advertisements of 1564 limit the cope to cathedrals.

The statement of the Court, that the Elizabethan Advertisements, as well as, it may be added, the Canons of A.D. 1603, enjoin the use of the "surplice only" is inaccurate. The word "only" (which is essential to the argument) does not occur in the Advertisements or in the 58th Canon, and has been imported into them by the Court.*

Appendix
D.

* It is plain that the Advertisements, upon which the Canons with regard to the cope and surplice were framed, did not prohibit the use of the cope in parish churches. This is proved by the fact, that the Elizabethan Commissioners, in acting as the Court alleges upon these Advertisements, left the cope in some of them.

IV. The Court of Appeal, in condemning the Mixed Chalice, has reaffirmed the principle laid down in *Martin v. Mac-konochie*, in condemning the Eucharistic Lights, viz., that “*All Ceremonies are abolished which are not expressly retained*,” a principle wholly unsound. *E.g.* :—

Robert Johnson, Chaplain to Lord Keeper Bacon, was tried, A.D. 1573, before Sandys, Bishop of London, afterwards Archbishop of York, the Dean of Westminster, the Lord Chief Justice, and others, for not reciting the words of Consecration when additional Bread and Wine were required. He pleaded in his defence that the then Prayer Book contained *no order* that this should be done, which was the fact. Nevertheless he was condemned and sent to prison. It would seem, however, if the present ruling of the Judicial Committee be correct, that the Bishop of London (who is quoted as an authority in the present Judgment) was himself liable to imprisonment rather than Mr. Johnson.*

Moreover, from A.D. 1552 to A.D. 1661 no Manual Acts, *i.e.*, the “taking of the Bread into the hands” and the “taking of the Cup, &c.,” were “retained” in the Rubric. Nevertheless, these Manual Acts (which are a part of “Christ’s Ordinance”) were used, as we are told by Bishop Cosin, as “a general custom” during that period. It follows, therefore, if the ruling of the Court be adopted, that “a general custom” of consecrating the Holy Sacrament according to the Institution during a period of One Hundred and Nine years ought to have rendered a Priest liable to fine, deprivation, or imprisonment. (See p. 20.)

It may be added that the Court itself in *Hebbert v. Purchas* admits that the Manual Acts were in use during the period named; a fact itself singularly subversive of their own rule of interpretation. (See Appendix on “Before the Table,” *re* Udal, p. 23.)

* This Robert Johnson is also quoted in the Judgment.

V. With regard to the Mixed Chalice itself it may be observed, that it was ordered under the Book of A.D. 1549 with penalties of deprivation and imprisonment; of which Book it is said in the Act enforcing it that it was written “*by the aid of the Holy Ghost,*” and in the Act of A.D. 1552 that it is a “*godly order,*” setting forth a “*due using*” of the Sacraments, and “*agreeable to the Word of God*” and “*the Primitive Church.*”

Appendix
F.

Now if, as the Court says, the Mixed Chalice, thus ordered under the Book of A.D. 1549, with penalties of deprivation and imprisonment, was forbidden with the same penalties under the Books of A.D. 1552 and A.D. 1662, it may be well asked, by whose “*aid*” were these Books written, according to what “*order*” and “*using,*” and agreeably to what “*Church*”?

If, indeed, the ruling of the Court be sound, the language used in the Acts of A.D. 1549 and A.D. 1552 of the Book of A.D. 1549, would seem to border very closely upon impiety.

That the use of the Mixed Chalice has been retained and practised to a greater or less degree, and that by men of eminence, since A.D. 1552 is matter of history and cannot be denied.

The statement of the Court, that the mixing of the Chalice before the Service begins “has not prevailed at all” in the East and West is curiously contrary to fact. For throughout the Eastern Church to the present day the Chalice is privately prepared in the sacristy before the commencement of the “*Liturgy,*” and a similar usage prevailed in most parts of the Continent up to the beginning of the eighteenth century.

VI. The Court, in discussing the Rubric of the Prayer of Consecration, has decided that the term “*standing before the Table*” is equivalent to standing at any part of the Table.

Appendix
G.

The common-sense meaning of “*before the Table*” must be in

front of the Table, as witnessed by the Rubric in the Marriage Service, which says "the man and the woman kneeling *before* "the Lord's Table."

The application of this construction to the Rubrics of the Coronation Service is conclusive.

"The Queen, rising from Her devotions, goes *before* the "Altar."

"The Archbishop, standing *before* the Altar, taketh the "Crown into his hands and laying it again before him on the "Altar, saith"

Appendix H. The same Service throws light also upon the expression " *South side*."

"The Queen goes to Her chair set for Her on the *South* side "of the Altar, where She is to kneel at Her faldstool when the "Litany begins."

"On the South side, *East of the Queen's chair*, nearer the "Altar, stand the Dean and the Prebendaries."*

"The Queen will then sit down in King Edward's chair, "placed in the midst of the area over against the Altar with a "faldstool before it, where she is anointed."

"The Archbishop, standing at the *North* side of the Altar, "saith the prayer or blessing *over* Her."

Appendix I. VII. The Court has decided that in the Rubric on the bread to be used in Holy Communion the word *suffice* excludes the use of Wafer Bread.

Matthew Parker, Archbishop of Canterbury, taking precisely the opposite view, writes to Parkhurst, Bishop of Norwich, 14th June, 1574, "And as for their contention for wafer bread and

* Note, that if "South side" meant "South end," the Dean and the Prebendaries could not get *nearer* to the Altar by going *East* of the chair. They would have to go *North* of it, *i.e.*, between the Queen and the Altar.

“loaf bread, I trust that you mean not universally in your
 “diocese to command or wink at the *loaf bread*, but for peace
 “and quietness here and there to be contented therewith.”

A construction of the Rubric of A.D. 1559 cannot be otherwise than applicable to the Rubric of A.D. 1662, the wording of the two Rubrics being substantially the same.

VIII. It is an universal rule that “*in penalibus causis benignius interpretandum est.*” On the admission of the Court the matters before them were both difficult and doubtful. Yet they not only give judgment against the accused, but condemn him in costs.

It is also to be remembered that the same Court which in 1871 punishes Mr. Purchas for wearing the Vestments, speaking in 1857 of the four directions, as to Ornaments, in the Act of Uniformity of Elizabeth, and the Prayer Books of A.D. 1559, 1603, 1662, declared that :—

“*They all obviously mean the same thing, that the same Dresses
 “and the same Utensils, or Articles, which were used under the First
 “Prayer Book of Edward the Sixth, may still be used.*”

TO SUM UP. The Court requires acceptance of a judgment which (1) wholly ignores a fundamental principle of the Church; which (2) construes a statute contrary to the recognized rules of construction and its literal and grammatical meaning; which (3) makes supposed *non-user* override Statute Law; which (4) lays down a rule of rubrical interpretation repugnant to fact and history, and one impossible to be applied; which (5) sets Prayer Book against Prayer Book and Act against Act; which (6) first assumes what is not true and then founds its argument upon its own assumption; which (7) demands assent to a meaning put upon words opposed to their common sense and their mean-

ing as used in other parts of the Prayer Book ; which (8) reverses a judgment of the same Court upon a subject virtually before the Court ; and, lastly, which (9) in A.D. 1871 condemns a priest in costs for the use of that which in A.D. 1857 he was told not only “ may be used,” but which the law “ enjoins.”*

* It is thought worth while to append the following remarks upon the subject of the Eucharistic Vestments.

The Canons, having regard to the “dignity of the Holy Sacrament,” order for the Holy Communion in cathedral churches a distinctive Vestment, namely, a cope. The principle, then, being admitted of thus doing honour to the Sacrament, why should the Court, the Canons not gaining saying it, appear so adverse to its application to parish, as well as to cathedral, churches ?

The Court, as has been observed, in its argument against the legality of the Vestments, lays stress upon the fact of their general *non-user* subsequently to the revised Ornaments Rubric of 1662 ; but that this fact need not prove that the Vestments were not intended to be prescribed by that Rubric is clear from the circumstance that another very important Rubric, which was restored in 1662 from Edward’s First Book—viz., “The Priest shall then place upon the Table so much Bread and Wine,” &c.—was all but universally disobeyed and ignored immediately and long continuously after its enactment. Thus Dr. Hickes, Dean of Worcester, nearly fifty years afterwards writes:—“This Rubric was restored in the “office of the Holy Communion of our present Liturgy, established “by the Act of Uniformity after the Restoration, but this “restored Rubric, to the great reproach of the clergy, was *almost never* “since observed in cathedral and parochial churches. I say almost never, “because I never knew or heard but of two or three persons, which is “a very small number, who observed it.” (*Two Treatises on the Christian Priesthood, &c.*; *A Prefatory Discourse*, vol. i., pp. lxiv., lxx., 8vo., 1711). At p. cclix. Dr. Hickes relates that a “dignified priest” had asserted that the Rubric in question is a “*punctilio*,” and “as such is *vacated* by the “UNIVERSAL PRACTICE of the Church, even of the Bishops.”

APPENDIX.

A.

Only Canon 30th is here referred to. But similar declarations of adherence to what is Primitive and Catholic will be found to pervade the entire Formularies of the Church, the Prayer Book, the Articles, the Canons, and the Homilies, as well as Acts of Parliament passed at the time of the Reformation and subsequently in relation to it, also Royal Proclamations and other public documents.

Note, this Canon is not on Doctrine, but on Ritual; on the use of the Sign of the Cross.

B.

Attention is called at page 9 to the following passage in Liddell v. Westerton :—

Speaking of the four directions, as to Ornaments, in the Act of Uniformity of Elizabeth, and the Prayer Books of A.D. 1559, 1603, 1662, the Court then declared that, "*They all obviously mean the same thing, that the same Dresses and same Utensils, or Articles, which were used under the First Prayer Book of Edward the Sixth, may still be used.*"

The following is from the same judgment :—

"No difficulty will be found in discovering, amongst the Articles of which the use is there *enjoined*, Ornaments of the..... Minister. Beside the Vestments *differing in the different services*, "the Rubric provides for the use of an English Bible, &c."

And further in other places the legality of the Vestments is either asserted or assumed.

Moreover, the Court supported its interpretation of the rubric by the following reference to the facts of history. It was the desire, it observed, of Queen Elizabeth that the First Book of King Edward the Sixth should be altogether re-established, but she was "obliged to give way, and a compromise was made, by which the Services were to be in conformity with the Second Prayer Book with certain alterations; but the Ornaments of the Church, whether those worn, or those

“otherwise used, by the Minister, were to be according to the “First Book.” (See Moore’s Report, pp. 157, 158, 159.)

All this is now ignored by the Court; a fact the more unaccountable when it is remembered that the Archbishop of York, being himself a prominent member of the Court, at the very time that the draft of the present judgment¹ was in hand, wrote in reference to a dictum of the Court in *Liddell v. Westerton* thus, “The decision of the point in *Liddell v. Westerton*, according to *the usual practice* of the Court of Appeal, was held *binding* upon those who decided the *Mac-konochie* case.”*

In *Martin v. Mackonochie* the Court, adopting the decision in *Liddell v. Westerton*, said:—

“The words ‘authority of Parliament’ in the Rubric refer to “and mean the Act of Parliament 2 & 3 Edward VI., cap. 1, “giving Parliamentary effect to the *First Prayer Book of Edward VI.*”

And again:—

“The Rubric, speaking in 1661 has, for reasons which it “is not the province of a Judicial Tribunal to criticise, defined “the class of Ornaments to be retained by a reference, not to “what was in use *de facto*, or to what was lawful in 1549, but “to what was in the Church *by authority of Parliament* in that “year.”

The Court interprets the word “*retained*” in the Act of Elizabeth and in the Rubric of A.D. 1661 as referring to the Ornaments of the Church and Minister *then* in use, and not according to its plain meaning.

Now, the Ornaments in use when Elizabeth’s Act was passed, A.D. 1559, were those of Queen Mary; in other words, the Roman Ornaments. And the Ornaments in use when the Rubric of our present Book was written, A.D. 1661, were those of the Commonwealth; in other words, it might almost be said, none at all.

The word “retained” in the Rubric must evidently be construed in reference to the words “*were*” and “*in use*”—i.e., were in legal use.

* “Correspondence with the Rev. C. S. Grueber.” Parker, Strand.

The Court in its argument assumes that the Advertisements of A.D. 1564, are to be construed as "other order" of the Act of Elizabeth.

The following passage is evidence that the Advertisements in question were not so regarded.

"Craving upon my knees pardon for my boldness, I beseech your most excellent Majesty to hear me a little.
"The laws expect a further Reformation of the Church.....
 "It is (1 Eliz. c. 2) enacted, that all ornaments of the Church and Ministers thereof (such as surplice, copes, &c.), shall be retained and be in use as was appointed by King Edward the 6, not for unchangeable continuance, but until other order were taken by your Majesty, and your Highness' Ecclesiastical Commissioners."

This was written after A.D. 1589, and consequently long after the Advertisements.

The passage is extracted from *A Petition directed to Her most excellent Majesty, wherein is delivered a mean how to compound the civil dissension in the Church of England: a proof that they who write for Reformation do not offend against the Stat. of 23 Eliz. c. and, therefore, till matters be compounded, deserve more favour, &c.*, pp. 3-5, 4to., without printer's name or date.*

If "other order" had been duly taken by the issue of the Advertisements, is it credible that the above petition would have been addressed to Elizabeth in 1590, *craving her to do what she had done already in 1564?* †

Reasons are alleged by the Court to the effect that, it is not to be supposed that the Reviewers in 1661 could possibly intend the Ornaments Rubric to contradict and abrogate the 58th Canon.

But by the rubric first inserted by them at the end of the Catechism they do contradict and abrogate the very next Canon, viz., the 59th.

The latter directs every parson, vicar, or curate upon every Sunday or holyday, "*before Evening Prayer, for half-an-hour or*

* "Martin's Monethe's minde" is mentioned at p. 76, and as the tract so named was printed in 1589, this work was issued later than that year.

† The Lord's Committee A.D. 1641 asserted respecting the Advertisements that they "are not in force but by way of commentary and imposition." (Baxter's *Life*, p. 370, fol., 1696.)

“more,” diligently to instruct the youth, &c., in the Catechism, whereas the former directs the “curate of every parish” to do this “upon Sundays and holydays, *after the Second Lesson at Evening Prayer.*”

The Court observes, in reference to the Ornaments Rubric—“The learned judge, in the Court below, assumes (Appendix, “p. 74) that the Puritan party at the Savoy Conference objected “to *this* rubric; whereas it was the rubric of James which they “were discussing. Upon that the Puritans observed that, “Inasmuch as this rubric seemeth to bring back the cope, alb, “and other vestments forbidden by the Common Prayer Book “5 & 6 Edward VI., so for reasons alleged against ceremonies “under our eighteenth general exception, we deem it may be “wholly left out’ The fact,” adds the Court, “is clear “that the Puritans objected to a rubric differing from this [of “1662]; and that after their objections, the rubric was recast “and brought into its present form.”

But the Court *omits* to add that “the rubric” even after it had been “recast and brought into its present form,” was equally objected to by the Puritans (including one of their leaders at the Savoy Conference, Richard Baxter) who “among the most “necessary alterations of the Liturgy” (A.D. 1668) propose: “The rubric for the old ornaments which were in use in the “second year of Edw. VI. [be] put out.” (“*Reliquiæ Baxterianæ*, or Mr. Richard Baxter’s Narrative of the most memorable Events of his life and times, faithfully published from his own original Manuscript by Matthew Sylvester.” Part III., p. 39, fol., 1696.)

The selection of the second year of King Edward VI. (Jan. 20, 1548, to Jan. 20, 1549) as the period whose statutory usage should bind the Church of England, was not made at haphazard, but in pursuance of a definite policy, that of retaining all customs of the pre-Reformation Church which were not chargeable with superstition or abuse, while abolishing such as could (in the opinion of the authorities at the time) be reasonably so charged. Thus, as we find by examining the various Injunctions and Visitation Articles put out in 1547 and 1548, the Latin Service-books, any such relics, shrines, paintings, and images as had been the subject of pilgrimages or of alleged miracles, rosary-beads, processional candles and palms, were all prohibited, or at the least discouraged. But, on the other hand, the altar-

lights, the Eucharistic Vestments, incense, the mixed chalice, and other kindred usages, were either expressly enjoined or implicitly tolerated. To have fixed an earlier date than the second year of Edward VI. would have legalized the entire body of pre-Reformation customs and observances, and thus have nullified the Reformation itself in every parish where the incumbent did not heartily support it. On the other hand, to have fixed a later date would have been too destructive. Even the third year of Edward VI. might have caused great inconvenience, owing to the extreme meagreness of the Rubrics of the First Prayer Book, which then came into use by the authority of Parliament; whilst a reference to the fifth and sixth years, the date of the Second Prayer Book, would have been equivalent to the abolition of many primitive and seemly usages which were repugnant to the foreign reformers. Thus it is clear that the religious meaning of the second year of Edward VI., as the date which guides the Ornaments of the Church and the Ministers, is identical with that of the 30th Canon of 1603, already cited, "So far was it," &c.

C.

The Court dwells at great length upon the argument of *non-user*. But the same argument, as has been suggested, would tell equally plainly against other Statutable directions, Injunctions, &c., as appears from the following citation from the Elizabethan "Petition" before cited in Appendix A. :—

"Certain Articles, wherein is discovered the negligence of the bishops, their officials, favourers, and followers, in performance of sundry Ecclesiastical Statutes, Laws, and Ordinances Royal and Episcopal, published to the Government of the Church of England. *Out of the Book of Common Prayer authorized by Act of Parliament.* It appeareth by the Calendar which assigneth four chapters to be read every day through the year, also by the preface and order of reading the Psalms, that the Morning and Evening Prayer should be read every day through the year,* either public or private, except great business hinder; yet they be only read upon Sundays, Holydays, Wednesdays and Fridays, and Saints Eves. The (*Rubrics at Morning*

* No direction can be more peremptory and explicit than our Church's order "that the curate that ministereth in every parish church or chapel, being at home, and not otherwise reasonably hindered, shall say daily the Morning and Evening Prayer in the parish church or chapel where he

“*Prayer, at the Communion, and Communion*) people are to answer
 “the priest, to say *Amen*, and such like; yet this is permitted to
 “the clerk alone in most places, who after the Popish order must
 “supply the room of the unlearned, and say *Amen*, as the papists
 “do abuse the Scripture to that purpose. Where there is (*Rubric*
 “*before Te Deum*) singing, then the Lessons should be sung in a
 “plain tune,* and likewise the Gospel and Epistle; yet I have not
 “known this used in cathedral churches. The (*First*
 “*Rubric*) minister should use the ornaments appointed by King
 “Edward,† yet not he alone, but the clerk also doth wear a sur-
 “plice in many churches. In (*Rubric next after the Com-*
 “*munion*) cathedral and collegiate churches the Communion
 “should be ministered every Sunday at least. This is not prac-
 “tised. Bishops are commanded to confirm children; yet
 “divers bishops do not use it,‡ albeit by (*Rubric next following*
 “*Confirmation*) law no man should receive the Communion till he
 “were first confirmed. Curates of every parish (*Rubric*
 “*next following Confirmation and Queen’s Injunctions, Art. 44*)
 “ought upon Sundays and Holydays, half an hour before Even-
 “song, openly instruct and examine children, servants, and
 “prentices in the Catechism. A profitable work seldom or never
 “used by the bishops’ followers. Banns should be asked
 “three several Sundays in the open church (*Rubric before Mar-*
 “*riage*); yet bishops dispense with asking banns, *non obstante* this
 “Book, confirmed by Parliament, as if a bishop might dispense
 “with penal statutes. *Out of the Book of ordering Deacons, &c.*
 “The party presented to the bishop should wear a plain alb (by
 “the Book of ordering ministers, p. 3, and 47) confirmed by
 “(8 *Eliz. i.*) Parliament; yet the garment is not used.
 “The deacon must read the Gospel in the day of his ordination
 “(*Book of Ord. Minist.* p. 65), putting on a tunic; but this
 “vesture is scarcely known at this day. All the bishops
 “that be present at the Consecration of bishops should wear

ministereth;” yet so little has usage interpreted the law of the Church as above laid down, that according to Canon Robertson “it is a mere imagination to suppose that Daily Service was ever general in England since the Reformation.” (*How shall we conform to the Liturgy?* p. 41, 8vo., 1844.)

* Until the last review of the Book of Common Prayer this rubric ran thus:—“And (to the end that the people may the better hear) in such places where they do sing, there shall the lessons be sung in a plain tune, after the manner of distinct reading, and likewise the Epistle and Gospel.”

† The writer evidently had no conception that the Advertisements of 1564 had inhibited the Eucharistic Vestments. Compare his statements respecting them in the above extract with what he says about the Ornaments Rubric in the quotation given in Appendix A.

‡ This example of *non-user* is particularly remarkable.

“ (*Book of Ord. Minist.* page 65) copes and surplices, having their
 “ pastoral staves in their hands : they retain the surplice, seldom
 “ the copes, but they never use their pastoral staves * *Out*
 “ *of the Queen's Injunctions.* By the Queen's Injunctions (which
 “ should be executed in (*Preface to the Injunctions*) all Her
 “ Majesty's realms and dominions), all (*Article 3*) ecclesiastical
 “ persons having cure of souls ought to preach in their church,
 “ and every other cure they have, one sermon every month. And
 “ in their (*Article 4*) own person they should preach once every
 “ quarter, or else read an Homily yet there be many
 “ hundred churches within these dominions, especially in Wales,
 “ Ireland, the northern and western parts, that have scarcely had
 “ twelve sermons in twelve years ; and there be many persons
 “ that cry formality, that come not twice in a-year at their charge
 “ to benefit the people by any duty. The Holydays should
 “ be (*Injunct. Art. 20*) spent in hearing God's Word, in private
 “ and public prayers, in reconciliation of enemies, receiving the
 “ Sacraments, and visiting the poor, using all soberness and goodly
 “ conversation ; yet the bishops themselves, and their priests
 “ (who should be samples to the flock), bestow these days
 “ profanely at bowls, hearing comedies and tragedies, &c., which
 “ be far from the duties both here and in the Scriptures commanded
 “ Where (*Art. 49*) music is used in churches, it should
 “ be in such a distinct and modest song, that the same might
 “ be plainly understood, as if it were read without singing.
 “ But the curiosity of cathedral churches doth disdain this sim-
 “ plicity Whensoever the (*Art. 52*) Name of Jesus is
 “ pronounced in sermon, lesson, or otherwise, all men should
 “ uncover their heads and make a leg ; yet the bishops and their
 “ chaplains seldom use this, unless it be at reading the Gospel,
 “ as if the Gospel were more holy than the rest of the Scripture
 “ It were needless to recount all the cases wherein the
 “ bishops, their officers, their chaplains, and hangbies, do offend
 “ against our Synodal and Provincial Constitutions, against their
 “ own Books and Articles published in their Synods and Convo-
 “ cations.” (“ A Petition directed to Her most excellent Ma-
 jesty,” &c., pp. 60-71.) See p. 13.

* At p. 5 the writer says:—“ By the laws (*Book of Ord. Priests and Bishops*) of England, in the ordination of Bishops the Archbishop should lay the Bible upon the Bishop's neck that is to be ordained, and put a pastoral staff into his hand. If the Archbishops did not esteem these as vain ceremonies, they should urge them with as great vehemence upon Bishops, as they do surplices upon ministers.” Again, at p. 24 he writes :—“ The seekers of reformation see not why the Bishops should drive them to wear a surplice, and yet neglect the use of pastoral staves, seeing the laws tie the Bishops to the one as well as the ministers to the other.”

D.

Referring to some published Visitation Articles of Bishop Cosin, the Court observes :—" In the 6th Article Bishop Cosin inquires, ' Have you a large and decent surplice (one or more) for the minister to wear at all times of his publick ministration in the church ?' (2 Ritual Commission, 601*a*.) This repetition of the words ' at all times of his ministration,' the exact words of the rubric, is very significant as a contemporaneous exposition of it by one of its framers."

As bearing upon this remark, the following extract from Cosin's "Third Series of Notes on the Book of Common Prayer" is submitted for consideration :—

" In the end of the Book 2 Edward, after this discourse of ceremonies abolished and retained, are certain rules added concerning the ceremonies themselves : 1. That the minister, *at all times of his ministration*, at Matins, Evensong, Baptisms, Burials, &c., shall wear a surplice in the parish church ; and in cathedral and collegiate places, that they shall also wear their ornaments and ensigns of their several degrees and dignities. 2. That in the celebration of the Lord's Supper, the priest shall wear, *besides his surplice* or alb, a vestment or cope ; and being a bishop he shall also have his pastoral staff. 3. In all other places it shall be at the minister's choice, whether he shall wear a surplice or no." (Works, vol. v., pp. 416, 417.)

This passage also contains a sufficient reply to the following assertion of the Court, " If the minister is ordered to wear a surplice at all times of his ministration, he cannot wear an alb and tunicle when assisting at the Holy Communion ; if he is to celebrate the Holy Communion in a chasuble, he cannot celebrate in a surplice."

E.

In allusion to the position in question, *i.e.*, that Omission is Prohibition, laid down by the Court may be quoted the following passage which contains the reply of Cosin to a Puritanical objection respecting the versicles, "*Lord, have mercy upon us. Christ, have mercy upon us*," namely, " Whether it be warranted by 1 Eliz. cap. 2 that the clerks or people should say the second of these versicles (the minister for the time being silent) seeing by the Book the minister should read also."—*Survey*, p. 46. " This," remarks Cosin, " is in other letters to shew that, according to the ancient custom, the people used to answer the minister, as at the end of the

“Litany. *And it is to be noted, that the Book does not everywhere enjoin and prescribe every little order,* what should be said or done, but take it for granted that people are acquainted with such common, and things always used already.* Let the Puritans then here give over their endless cavils, and let ancient custom prevail, the thing which our Church chiefly intended in the review of this Service.” (Cosin’s First Series of Notes on the Book of Common Prayer. Works, vol. v., p. 65.)

The case occurred A.D. 1573. It was heard before Queen Elizabeth’s High Commissioners. The Commissioners were Dr. Sandys, Bishop of London; the Lord Chief Justice; Gabriel Goodman, Dean of Westminster; and others. The party accused was Robert Johnson, Chaplain to the Lord Keeper Bacon. The charge laid against him was the omitting “to repeat *the Words of Institution*” when in the Administration of the Sacrament more wine was required than had been previously consecrated. (See “A Part of a Register,” *cir.* A.D. 1590.)

Johnson’s defence was as follows:—

“I answer under protestation, that at no time in the celebrating of the Communion have I omitted any prayer or words of Institution which the order of the Book prescribeth, but have used them in as full and ample manner as they are appointed; but sometimes upon occasion, when the wine failed, I sent for more, which I delivered to the people with the words appointed in the Book to be said at the delivery of the Sacrament, not again repeating the words of Institution, partly for that, it being one entire action and one Supper, the words of Institution spoken were sufficient, as I do take it; and partly for that in the Book of Common Prayer there is *no such order appointed*, unto which in this case I do refer myself.”

What follows is copied verbatim from Johnson’s report of his trial, the spelling only being modernized:—

“The Bishop of London: The Consecration of the Sacrament; for, in that it had not the word, it was no Sacrament, and so the people were mocked.—Robert Johnson: My Lord,

* “Nothing indeed can be more untenable than the notion that the Prayer Book is a complete rule, which will not admit of any variation either by exceeding or falling short of it.” (Robertson’s *How shall we conform to the Liturgy?* p. 299.)

In illustration of this statement, see *Omission not Prohibition*, by the Rev. C. S. Grueber. Second Edition, Parker, Strand.

“ I did not mock the people, for it was a Sacrament.—Dean of
 “ Westminster : Saint Augustine saith, ‘ Accedat verbum ad
 “ ‘ elementum, et fit Sacramentum.’ Now you lacked the word,
 “ therefore it was no Sacrament.—Robert Johnson : I had the
 “ word.—Bishop of London : How had you the word, when
 “ you confess that you recited not the Institution?—Robert
 “ Johnson : I had recited the Institution afore, and that was
 “ sufficient.—Dean of Westminster : Yea, for that bread and
 “ wine that was present, but when you did send for more bread
 “ and wine you should have again rehearsed the words of Insti-
 “ tion.—Robert Johnson : *The Book appointed no such order.**—
 “ Bishop of London : Yes, sir, the Book sayeth you shall have
 “ there sufficient bread and wine, and then the prayer of Institu-
 “ tion must be recited ; for as much as you had not sufficient,
 “ therefore you should have repeated the Institution.—Robert
 “ Johnson : There is *no such caveat nor proviso appointed in the*
 “ *Book.*—Bishop of London : But that is the meaning of the
 “ Book.—Robert Johnson : Men may make what meaning they
 “ list, *but I refer myself to the Book, whether it be so appointed or no.*”

“ Therefore he [Bucer] mislikes also the *making of any Crosses*
 “ (as the Book appointed) over the Bread and Wine ; or that the
 “ minister should *take the Bread and Wine into his hands*, when
 “ he read the words of institution, because by this practice men
 “ would think that he said these words to the Bread and Wine,
 “ and not to the communicants ; and it should seem that there-
 “ upon these directions in the margin for the priest’s taking the
 “ Bread and Wine into his hands (when he says, ‘ took bread,’
 “ and ‘ took cup’), were afterwards left out ; and yet the use
 “ could not for all that be left off, it being a *general custom* among
 “ us to do so still.” (Cosin’s Third Series of Notes on the Book
 of Common Prayer. Works, vol. v., p. 478.)

F.

“ Then shall the minister take so much Bread and Wine as shall
 “ suffice for the persons appointed to receive the Holy Com-
 “ munion, laying the bread upon the corporas or else in the paten

* It is to be noted that Convocation of A.D. 1603 supplying the “ order,” enacts:—“ Furthermore, no bread or wine newly brought shall be used, but first the words of institution shall be rehearsed when the said bread and wine be present upon the Communion Table.” (Canon xxi.)

“or in some other comely thing, prepared for that purpose ; and
 “putting the wine into the chalice, or else in some fair or convenient cup, prepared for that use (if the chalice will not
 “serve), putting thereto a little pure and clean water.” (Rubric in the Communion Service. Prayer Book of 1549.) The Court objects to the mixed chalice on the ground that Wine only is named in our present Book. It may be replied that in this First Book, after the mixture has been made, the Mixed Chalice is simply called wine.

“Cæteris rebus ordine gestis, demum Episcopus ad sacram
 “Mensam redit (sacellanis utrisque ad aliquantulum recedentibus),
 “lotisque manibus, pane fracto, vino in calicem effuso, et *aquã*
 “*admistã*, stans ait Cum vinum, quod prius effuderat, non
 “suffecerit, Episcopus de novo in calicem ex poculo, quod in
 “sacrâ Mensâ stabat effundit, *admistãque aquã*, recitat clara verba
 “illa consecratoria.” (Rubric in the Form of Consecration of a Church or Chapel framed by Bishop Andrewes. Sparrow’s “Rationale upon the Book of Common Prayer,” 1668.)

The order given for Prince Charles’ Chapel at Madrid is as follows :—

“That the Communion be celebrated in due form, with an
 “oblation of every communicant, and admixing of water with
 “the wine.” (Collier’s Eccl. History, vol. ii., p. 726.)

“The ancient Liturgies are all for *vinum cum aquã mixtum*.
 “..... Our Church forbids it not, for aught I know, and they
 “that think fit may use it, as some *most eminent* among us do at
 “this day.” (Cosin’s First Series of Notes on the Book of Common Prayer. Works, vol. v., p. 154.)

“Laud, when Rector of All-Hallows, Barking, introduced
 “the practice into the church of that parish, where it continued
 “to be observed in the last century.” (Brett on the Liturgies, ed. 1838, p. 404. Robertson’s, “How shall we Conform to the Liturgy, &c.?” p. 189, 8vo., 1844.)

“It must be confessed that the mixture has, in all ages, been
 “the general practice, and for that reason was enjoined
 “to be continued in our own Church by the first Reformers.
 “And though in the next review the order for it was omitted,
 “yet the practice of it was continued in the King’s Chapel Royal,
 “all the time that Bishop Andrewes was Dean of it.” (Wheatly’s “Rational Illustration of the Book of Common Prayer,” &c., p. 290, 8vo., 1741.)

At Lambeth, in the Library, is a form of Consecration of a Parish Church by Bishop Field, who was consecrated October 10, 1619 ; translated to S. David’s 1627 ; to Hereford 1635,

in which are given a large number of traditional directions, and among them that for the mixing of water with the wine.

The Court observes, "Christ Himself is believed to have used "the Mixed Chalice." It is true. Liturgiologists are agreed here. It may be added that the expressions of Holy Scripture are very significant. When the Evangelists speak of the Bread they call it bread. When they speak of the Wine they call it "*the cup*;" so also S. Paul.

In the Eastern Church, in the Rite of Prothesis, the Priest and Deacon go alone into the Sacristy to prepare the Bread and Wine for the Liturgy. These are not seen at all by the people till they are publicly carried out into the Church, and so to the Altar in the Rite known as the Great Entrance. The Rubric for the mixture in the Sacristy runs as follows:—The Deacon then pours wine and water into the Holy Chalice, first saying to the Priest, "Sir, "bless the Holy Union." And the Priest blesses them.

In the West a similar custom as to the Mixing of the Chalice in the Sacristy obtained almost universally in France and in some of the Churches of Germany, Italy, and Spain, until the extirpation of the National Uses in the beginning of the XVIIIth Century.

G.

On the decision of the Court respecting the meaning of the plain words "before the Table," it may suffice to ask what is the contrary to them? Is it not *behind* the Table? And what is behind the Table as the Table is universally placed in our churches? Most men would reply, the East wall of the church, or the reredos if there be one.

Or to put the same in another form. If his Grace the Archbishop of York were officiating at the North end and the Bishop of London at the South end of the Table, their relative positions would hardly, it is submitted, be described by the Court as the one *before* and the other *behind* the Table.

The following remarks may, however, be made in addition to what has been said:—

The Court binds the Priest to stand at the North "side" or "end" of the Table; whereas the North "side" or "end" of the Table is not once named after the Priest has left the Lord's Table for the purpose of preaching the Sermon,

After the Sermon the Priest is ordered simply to "return to the Lord's Table." At the Prayer for the Church Militant he is directed to "place" the Elements "upon the Table;" and, "after which done," it is directed that he "shall say" the Prayer, there being no direction whatsoever to go to the North "side" or "end." The Prayer of Humble Access, which immediately precedes the Consecration Prayer, is to be said "*at the Lord's Table.*"

If the assumption of the Court be true that by the term "before the Table" no particular part or side of the Table is intended, it may well be asked why the expression "*at*" of the Rubric of the last-named Prayer was not retained for the Prayer of Consecration immediately following it, but was advisedly changed to "*before*"?

The Court forbids the Priest to stand "*before*," that is, *in front of* the Table, where, there being nothing between himself and the sacred Vessels, he may with "*the more readiness and decency*" break the Bread and take the Cup into his hands. The Court compels the Priest to stand at the North end of the Table, where, there usually being between himself and the sacred vessels a kneeling-stool, a cushion, or bookstand with the Book, he must with *unreadiness and somewhat awkwardly* "break the Bread and take the Cup into his hands."

The Court, in order to compass its end, virtually imports into the Rubric words to the effect that the people may "*see* the Bread broken;" whereas no words to this effect are to be found in the Rubric. The Rubric simply says, "before the people;" which words, to say the least, are as honestly satisfied by the Priest's standing in front of the Table, as by the Priest standing at the end of the Table.

It is to be noted here, that in arguing the words "before the people," Udal is cited by the Court to prove that the people must see the Bread in the act of its being broken. "We press," says he, "the action of breaking the Bread." It could hardly be credited that the Court would have enlisted into its service not only the witness of a man who was, according to its own rigid rule of interpretation, guilty of an illegal act, but the testimony of the illegal act itself. The date given by the Court is A.D. 1641, at which period the Manual Acts not being "expressly retained" were, as the Court would pronounce, "abolished." The testimony of Udal cannot, therefore, be accepted.

Bishop Cosin, who, as shall presently be shown, wrote the Rubric, does not here appear to be of the same mind with the Court. Referring to the Book of A.D. 1552 he complains that

there is no direction as in the Book of A.D. 1549 for the priest to "take the Bread and Cup into his hands, nor to break the Bread *before the people*." Now that Cosin could not possibly mean to say that the people must necessarily *see* the Bread in the act of its being broken is clear. For, it is to be observed, that in the Book of A.D. 1549, the Priest is ordered to commence "the Service, standing humbly afore the midst of the Altar," and at the Prayer of Consecration to rehearse the words "turning still to the Altar."

Again, the Court admits, when considering the words of the Rubric, "hath so ordered the Bread and Wine," that they "are intended to set the Minister free for the moment from the general direction to stand at the North side." But "free" to go where? Why plainly "before the Table" in the common-sense meaning of the expression. Here then is an admission, inadvertent perhaps, of its own error.*

The history of the Rubric itself will at once make apparent the meaning of the words in question, "before the Table:"—

In the Prayer Book previous to A.D. 1662 the Rubric stood thus—"Then the Priest, standing up, shall say as followeth."

Here two things are to be noted—(1) the words "standing up" apply to the whole Prayer of Consecration; (2) there were in the Book at this time no directions for the Manual Acts in the Consecration of the Holy Sacrament.

In 1662 the Rubric was altered as follows:—"When the Priest, standing before the Table, hath so ordered the Bread and Wine, that he may with the more readiness and decency break the Bread before the people and take the Cup into his hands, he shall say the Prayer of Consecration as followeth."

Here four things are to be noted—(1) the word "standing," still retained, applies as before to the whole Prayer; (2) the words "before the Table" being substituted for the word "up" and forming one and the same clause with the word "standing," are to be applied co-extensively with the word "standing;" (3) the Manual Acts in the Consecration were then re-introduced; (4) this re-introduction indicates why the Priest was to stand before the Table—viz., that he may not only "order the Bread and Wine," but that he may with the "*more readiness and decency*" break the Bread and take the Cup into his hands.

* If in *Martin v. Mackonochie* a momentary genuflection or a very low bow was deemed to "violate" the Rubric which orders the priest to "stand," much more would the Rubric, one would think, be "violated" by a priest walking about from *end* to "*before*" and *back again*, and how can such a practice be consonant with the *dictum* of the Court that "the words 'standing before the Table' apply to the whole sentence"?

Further light is thrown upon the words by a consideration of the Rubric of the Scotch Book of A.D. 1637—"Then the Presbyter, standing up, shall say the Prayer of Consecration as followeth, but then during the time of Consecration, he shall stand at such a part of the Holy Table *where he may with the more ease and decency use both his hands.*"*

The testimony of Archdeacon (afterwards Bishop) Cosin, in his Visitation Articles, is cited by the Court in proof that the Priest in consecrating must, according to the direction of the Rubric of our present Book of A.D. 1662, stand at the north "side" or "end" of the Table. The date given is A.D. 1687. Bishop Cosin was then dead: A.D. 1627 must be intended.† Now Cosin was made Bishop in A.D. 1660, more than a year previous to the present Prayer Book. The Archdeacon's Visitation Articles therefore refer to the Book of A.D. 1552, and bear date previous to the alteration of the Rubric. In other words, the Court ventures to cite Cosin's testimony to the meaning of

* A Puritanical objector to the Scotch Prayer Book writes:—

"Our Book hath a second rubric enjoining expressly the Priest in the time of Consecration to stand at such a place 'where he may use both his hands with more ease and decency,' which is not possible but 'on the West side alone, for on the South side the commodity is just alike as in the North; on the East none can stand, for the Table is joined hard to the wall, and whosoever stands on the West side of the Altar, his back is directly to the people that are behind him.'" (*The Canterburian's Self Conviction*, p. 105, 1641.)

Laud, who must at least be admitted to have understood the meaning of a rubric framed under his own responsibility, admits the above interpretation of it to be correct. It being objected that, as regards the use of both the hands, "that may be done at the North end of the Table and be better seen of the people," the Archbishop replies:—"Surely these men consecrate their elements in a very loose and mean way, if they can say truly 'that they have not use of both hands' in this work; or that whatsoever is done 'may as well be done at the North End of the Table,' which in most places is too narrow, and wants room to lay the Service Book open before him that officiates, and to place the Bread and Wine within his reach. So that in that place 'tis hard for the Presbyter to avoid the unseemly disordering of something or other that is before him, perhaps the very elements themselves, which may give scandal to them which come to communicate, especially since in the margin of the Prayer of Consecration he is ordered to lay his hand upon the Bread and Wine which he consecrates. As for 'his being better seen of the people,' that varies according to the nature of the place and the position of the Table; so that in some places he may be better seen, and in some not. Though I am not of opinion that it is any end of the administration of the Sacrament, 'to have the Priest better seen of the people.'" (*Troubles and Trial, Laud's Works*, vol. iii., p. 347, 8vo., 1853.)

† See Cosin's *Correspondence*, Part I., p. 118. *Surtees Society*.

the Rubric more than thirty years before the Rubric itself was written!

[Is it so certain that these Visitation Articles were ever issued? Their editor, Mr. Ornsby, questions the fact. Cosin's Articles printed in A.D. 1627 (see Works, vol. ii. p. 3) do not contain the testimony cited by the Court.]

Cosin's own practice, some twelve years after, but previous to our present Book, may be seen from the following charge laid against him A.D. 1640, and admitted by him. (See Bishop Cosin's "Correspondence," Part I., Introduction, p. xxvii., Surtees Society.)

"When he administered the Communion he stood on the West side of the Table, with his face towards the East, and back towards the people, which is a ceremony the Pope's Priests are enjoined to use at Mass.*"

The Court makes no allusion to the circumstance that Cosin actually wrote the present Rubric with his own hand. This is apparent from the original rough copy of it in his annotated Prayer Book at Durham.

The reasons given above, it is believed, are valid for the determination of the meaning of the Rubric of the Prayer of Consecration. But he who desires to know the real object of the Revisers of the Liturgy in directing the priest to "stand before the Table" may read it in the following words of Bishop Jolly:

"When we inspect the names of the Episcopalian Commissioners, and find Sheldon, Cosin, and Sanderson amongst the Bishops, with Heylin, Gunning, Pearson, and Thorndike amongst the Priests, we may suppose that with regard to the Eucharistic Sacrifice in particular they inclined to reduce it to the Primitive standard, as nearly as the unhappy genius which then prevailed would admit." (See Bulley's "Variations in the Communion Office.")

H.

On the terms "*Side*" and "*End*" it may be observed that they were not always considered synonymous terms in Cosin's time.

For example, Peter Smart says:—"You [John Cosin, Francis Burgoine, &c.] have lately set it [the Table at Durham Cathedral], that the Minister cannot possibly stand at the North side of the Table, there being neyther side standing

* *A Catalogue of Superstitious Innovations, &c., brought into Durham Cathedral by Bishop Neal and the Dean and Prebendaries of the said Church, &c.,* p. 26, 4to.; 1642.

“northward.” (*Articles against Durham Innovators delivered to Bishop Harsnett, before the Censure of Peter Smart, August 3, 1630.* Bp. Cosin’s “Correspondence.” Part I., p. 161, Surtees Society.)

Bishop Williams, in a passage which almost immediately follows that cited by the Court in proof “that whichever way “the Table was to stand the position of the Minister was “on the North side,” writes thus—“The Minister appointed “to read the Communion is directed to read the Commandments, “not at the *end*, but at the North *side* of the Table, which implies the *end* to be placed towards the East great window.” (“Holy Table,” p. 71.)

In regard to Williams it may be further observed that the Court when citing Heylin’s words, “I presume that no man of reason “can deny but that the northern end or side, call it which you “will, is *pars septentrionalis*, the northern part,” *omits to cite Williams’ reply*—viz., “When you officiate at the *end* of the Table, “you may officiate at a part but you cannot officiate at that “part of the Table to which by the Rubric confirmed by Act of “Parliament you are literally directed and appointed.” (“Holy Table,” p. 57.)

I.

“And to take away the superstition which any person hath, or “might have, in the bread and wine, it shall suffice that there be “such as is usual to be eaten at the table with other meats, but “the best and purest wheat bread that conveniently may be “gotten” (Rubric A.D. 1552).

“And to take away all occasion of dissension and superstition, “which any person hath or might have concerning the bread and “wine, it shall suffice that the bread be such as is usual to be “eaten; but the best and purest wheat bread that conveniently “may be gotten” (Rubric A.D. 1662).

“And to take away the superstition, which any person hath or “might have in the bread and wine (*though it be lawful to have “wafer-bread*) it shall suffice that the bread be such as is usual, “yet the best and purest wheat bread that conveniently may be “gotten” (Scotch Prayer Book, Rubric A.D. 1637).

The Court observes:—

“From a large collection of Visitation Articles, from the time “of Charles II., it is clear that the best and purest wheat bread “was to be provided for the Holy Communion, and no other “kind of bread. The words of the 20th Canon, to which “the Visitation Articles refer, point the same way. The Church-

“wardens are bound to supply ‘wheaten bread,’ and this alone is mentioned. If wafer-bread is equally permitted, or the special cakes of Edward VI.’s First Book and of the Injunctions, it is hard to see why the parish is to supply wheaten bread in cases where wafers are to be supplied by the Minister or from some other source.”

But the Prayer Books of 1559, 1604, 1662, and the Scotch Prayer Book of 1637 direct that “the bread and wine for the Communion shall be provided by the *Curate* and the Churchwardens, *at the charges of the Parish*.”

Note that the Scotch Prayer Book of 1637 asserts the lawfulness of wafer bread in conjunction with the direction that the bread and wine shall be provided by the Curate and Churchwardens, as stated above.

Note also that this direction, being in Elizabeth’s Prayer Book, that of 1559, was the law at the time when Archbishop Parker, in 1569, enquired:—“And whether they do use to minister the Holy Communion in wafer-bread, according to the Queen Majesty’s Injunctions?” (*Visitation Articles*, Cardwell’s “Documentary Annals,” p. 321); when, in 1570, he declared:—“I say and hold that the Injunction *hath authority by proviso of the statute*” (Strype’s “Life of Parker,” p. 310, fol., 1711); and when in his last letter to the Lord Treasurer Burleigh (1575) he wrote:—“Does your lordship think that I care either for cap, tippet, surplice, or *wafer bread*, or any such? But *for the laws so established*, I esteem them.” (Strype’s “Life of Parker,” Appendix, No. xcix.)

Referring to the Injunctions it is to be noted that the Court alleges their authority and that of the Advertisements as regards the abolition of Vestments, but rejects that of the former in regard to wafer bread.*

* In a letter of George Withers to the Prince Elector Palatine, the writer observes that “the second form of prayers, which Edward left behind him at his death, was [at Elizabeth’s accession] restored to the Church. But the ceremonies, which, were retained in the Church at the first reformation of Edward, are restored under the same name. Power, moreover, was given to the Queen and the Archbishop to introduce whatever *additional* ceremonies they might think proper; and they immediately afterwards both discontinued the ordinary bread heretofore used in the administration of the Lord’s Supper, and for the sake of a newer reformation adopted the round wafer, after the pattern of that used by the Papists.” (*Zurich Letters*, Second Series, pp. 161. *Parker Society*)



